

Selected regional developments in human rights and democratisation during 2016: Rights amid turmoil in the Arab region

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Abstract: *In the Arab world, covering the Mashriq, the Arabian Peninsula and North Africa, wars and conflicts are impeding every initiative to reflect upon democratic progress or the protection of rights. Where peace prevails, economic difficulties are discouraging political reform and tolerance, and where petrodollars flow, regimes are using their wealth to buy support, reinforce allegiance, fund intervention in neighbouring countries, and catalyse fratricidal conflicts. War-torn countries such as Syria, Iraq, Yemen, Libya, Sudan and Somalia have witnessed continuous violations of human rights. Chemical weapons, torture, harsh detention conditions, child soldiers and other abuses have been practised by all sides, with the international community turning a blind eye to violations committed by its allies. As long as conflict prevails in these countries, prospects will look grim. Geostrategic conflicts, land conquest and border control will remain their primary concern. However, countries that managed to remain relatively peaceful in the region have shown patterns of modest reform despite challenges resulting from forced migration and a lack of economic resources. In many Arab countries some progress has indeed been noticed with regard to electoral participation, gender issues and migrant workers. These reforms remained limited and were associated with populist ambitions, driven by bottom-up activism and civil society movements. These movements reflect the existence of grassroots initiatives channelling social demands and new voices being heard in the Arab world. Women are also starting to gain ground, and elections are proving to be a vector of change.*

Key words: war; migration; economic hardship; elections; gender; Mashriq; Arabian Peninsula; North Africa

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The wisdom of the many is your shield against tyranny. For when we turn to one another for counsel we reduce the number of our enemies.

Gibran Khalil Gibran

1 Introduction

During 2016, the Arab region was marked by continuing war and recurring peaks of violence, particularly in Syria, Iraq, Libya, Yemen, Sudan and Somalia. Furthermore, two important reversals of trends occurred in the Middle East. First, the Islamic State, which straddled Iraq and Syria, saw a constant shrinkage and the near collapse of its territorial institutions. Second, in the Arabo-Persian Gulf, the Gulf Co-operation Council, which was heading towards military and economic integration, was jolted by the Saudi-Qatari rivalry which turned into a direct confrontation. These dynamics have affected the human rights situation within the relevant states.

One may distinguish between three sub-regional dynamics in the Arab world. We will be consecutively examining the Mashriq, the Arab Peninsula and North Africa. Differences and commonalities can be found in and between all three sub-regions.

2 War, migration, and economic hardship in the Mashriq

In 2016, direct regional and international interventions tilted the balance of power in favour of the regime in Syria. In border areas that have gained autonomy at the hand of opposition groups, cross-border military interventions attempted to reverse the trend. Turkey's military intervention in August 2016 momentarily slowed down the progress of Kurdish groups in the north, while Hezbollah, a Lebanese armed group allied to Iran, continued its operations to dislodge opposition groups from areas bordering Lebanon. Russian air strikes against Syrian opposition forces allowed the regime to take back major cities (for example, Homs in December 2015 and Aleppo in December 2016) from the opposition, while air strikes from the American-led coalition allowed the Syrian regime to roll back the Islamic State (ISIS).

The increase in violence through air strikes and ground operations was accompanied by serious breaches of international humanitarian law, with disproportionate attacks on civilian areas, and the use of non-conventional weapons (chemical weapons reportedly were used by the regime on three occasions and once by ISIS). The United Nations (UN) Commission of Inquiry reported that medical workers and facilities came under intentional targeted attacks, and the healthcare infrastructure was weakened, with devastating consequences for civilians' lives in general. No humanitarian assistance was allowed into Eastern Aleppo between July and December. Moreover, according to Human Rights Watch, pro-regime forces were responsible for the systematic use of arbitrary detention and torture. The Commission of Inquiry reported widespread human rights abuses by ISIS and Jabhat Fateh al-Sham (formerly Jabhat al-Nusra, affiliated to al Qaeda), including kidnappings and executions. Human rights abuses by opposition groups were equally reported (HRW 2017).

In Iraq, the government steadily started gaining ground against ISIS at the end of 2015, recapturing Ramadi in early 2016 and Mosul in July 2017. The US-led coalition's air strikes against ISIS, at the request of the government, allowed the Iraqi forces to steadily advance, but with a heavy toll on lives and infrastructure. In April 2016, supporters of cleric Moqtada al-Sadr stormed the parliament building demanding a new government, a commitment to fight corruption, and an end to the allocation of governmental posts along sectarian lines. Likewise, the Kurdish regional government kept on increasing its territory and reinforcing its powers, a dynamic that culminated with the organisation of an independence referendum in September 2017, a move opposed by the Turkish and Iraqi governments.

Even though the increased violence in Syria and Iraq did not cause additional waves of refugees due to border restrictions, the gradual expansion of the control of pro-government forces and the fall of Eastern Aleppo discouraged refugees in Lebanon and Jordan from returning home. The resulting shift from crisis to a protracted refugee situation has created resentment among host communities.

In Lebanon, host communities increasingly consider refugees, who by some estimates represent nearly a fourth of the country's population, as a social, political and security threat. Following the terrorist attacks around Beirut and in the Beqaa claimed by warring factions in Syria, the Lebanese army stepped up its security operations against refugees. Additional conditions to obtain permits of residence threw the vast majority of Syrian refugees into illegality, increasing their vulnerability to economic hardship and human rights abuses. Politicians and the media increasingly point the finger at refugees for a supposed rise in criminality, and blame them for the country's economic problems.

A general complaint against the governing elite continued to be manifested throughout 2016, through regular protests in objection to the vacancy of the President's office, the extension of the parliament's term and the government's failures in respect of waste management. In May 2016, the government organised municipal elections. A new group calling for reform received an impressive 40 per cent of the vote in Beirut, against a list supported by the country's largest political blocs. In October 2016, Parliament elected a President, ending a 29-month vacuum in the office of head of state. In June 2017, it extended its term for the third time, bringing it to nine years (from an initial mandate of four years), while introducing a new electoral law.

Jordan faces challenges similar to those of Lebanon, hosting a significant number of refugees as a result of the conflicts and ongoing wars in Syria and Iraq. On the legal and political front, civil society in Jordan is relatively fragile, and citizen participation in political life is limited. A survey conducted in June 2016 revealed that a high percentage of Jordanians believe that Parliament is not effective, since it neither legislates nor chooses the government, and can only amend legislation which the King and the Senate can override (Global Security 2016). In addition, the King has the power to dissolve the Lower House of Parliament, which he did in May 2016, after the resignation of the Prime Minister. Nevertheless, the Elections Law ratified in 2016 introduced new changes, such as decreasing the voting age to 18 years and allocating a 15-

seat quota for women, while reducing the number of seats in the Lower House from 150 to 130.

At the same time, some progress has taken place concerning women's rights in Lebanon and Jordan where two issues dominated the public debate: 'honour killing' and 'rape law'. In Lebanon, a widespread campaign by civil society urged the government to revoke article 522 of the country's penal code which allowed a rapist to escape punishment for his crime if he married the victim. On another front, while honour killing has been illegal in Lebanon since 2011 (Tamer Salman 2016), scandals reported recently in the media highlighted perpetrators who had received light sentences. This matter did not sit well with civil society activists, who took the opportunity to utilise these scandals and strengthen their lobbying and advocacy campaigns. Cases such as those of Roula Yaacoub and Manal Assi made national headlines and played upon social and cultural pressure locally.

In Jordan, civil society lobbied to repeal articles in the Penal Code allowing for the reduction of the penalty of a man who kills a female relative accused of adultery (article 340), or exempts a rapist from prosecution if he marries his victim (article 308). In September 2016, King Abdullah II created the Royal Committee for Developing the Judiciary and Enhancing the Rule of Law. Among its recommendations were the amendment of the Penal Code to protect women from such violence, among other unprecedented shifts in the Code. The Jordanian Parliament repealed article 308 in August 2017.

The war in Syria and Iraq, refugee problems in Lebanon and Jordan, and international military interventions in the region have been at the top of the international media agenda, putting neighbouring Palestine on the backburner despite the continued occupation and political crisis within the Palestinian Authority. Israeli settlements in the West Bank had deplorable effects on the lives and livelihood of Palestinians. Freedom of movement is restricted by their expansion, the infrastructure that links them and the numerous checkpoints meant to protect them. The Gaza strip is still suffering from the blockade imposed on it since 2007, and the closure and restrictions of its crossings by Israeli and Egyptian authorities. As for Israeli Arabs, they continue to suffer discrimination, especially with regard to access to the labour market (Working Group on the Status of Palestinian Women Citizens of Israel 2016). Fatah in the West Bank and Hamas in the Gaza strip are also responsible for violations of human rights, such as the rights to freedom of expression and peaceful assembly. Torture and other ill-treatment of detainees remained rife in both areas. Unfair trials of civilians before military courts continued in Gaza, and in the West Bank detainees were held without charge or trial.

Overall, several paradoxes marked the Mashriq during the last year. The Islamic State shrunk amidst a rise in impunity. Syria and Iraq put Palestine on the backburner despite Israel's continuing land confiscation and movement restrictions. Local Palestinian authorities added to those violations by restricting the freedom of expression of their own people. Regimes that engaged in civil and political rights violations in Lebanon and Jordan made small compromises on the social front, and gender issues were used to alleviate frustrations through small compromises.

The Arabian Peninsula displayed a similar syndrome, with oil-rich countries exploiting civil wars, launching air strikes, violating human rights in neighbouring countries and restricting civil and political freedoms internally, while initiating economic reforms and minor tactical compromises on gender and domestic workers in their homeland.

3 Unprecedented change amid conflict in the Arabian Peninsula

In April 2016, negotiations were held in Kuwait between the Yemeni government and Houthi forces. However, the government has been harshly delegitimised for its support of the Saudi air strikes that led to considerable destruction throughout the country. The actors disagreed on most of the terms of the negotiations. As soon as the failure of these talks was announced, confrontation again started and grew in intensity. The Saudi Arabia-led coalition is repeatedly criticised for its air strikes aimed at the civilian population and economic structures, inflicting substantial damage on Yemen's production capacity. The coalition has also organised a naval blockade on Yemen, restricting the importation of vital goods. Moreover, the use of internationally banned cluster munition by the coalition has been documented, as well as numerous air strikes on schools and health facilities (HRW 2016).

Houthi forces are also held responsible for many human rights violations. Since seizing control of Sanaa, they cracked down on dissent, and committed crimes such as the torture of detainees, enforced disappearances and arbitrary detentions of activists and political opponents. The Houthis and other armed groups are also accused of using child soldiers to wage war (HRW 2016). In order to control the territory and population, they confiscated medical supplies and food of civilians in several key areas and blocked humanitarian assistance from entering these regions (Amnesty International 2016).

Next door, in neighbouring Saudi Arabia, things look different. On the internal front, in the second quarter of 2016, Crown Prince Mohammed bin Salman launched Vision 2030 and the National Transformation Plan. The Vision and Plan aim at introducing significant economic shifts, mainly summarised in a diversification of revenue and less dependence on oil, combined with cuts in government subsidies to services and cuts in salaries and benefits of employees in the public sector (Vision 2030 2016). These economic measures are motivated by the country's economic difficulties and the fact that it had to make up for the spending of the state on the Saudi-led coalition against Houthi forces in Yemen. Saudi Arabia's young crown prince announced further socio-political developments in September 2017, giving women the right to drive after decades of heated legal and social debates around the issue (Hubbard 2017). Nonetheless, Saudi regulations that systematically discriminate against women, such as the guardianship system, are effectively still in place. Women are still being treated as minors in many situations despite their empowerment (HRW 2016).

In parallel with these initiatives, the Saudi government has prosecuted and detained a number of clerics, activists, journalists and writers, and has sentenced them to years in prison (Amnesty International 2017). Discrimination against and arrests of members of the Shi'a minority in

Saudi Arabia also continued to take place. The Saudi government continued the crackdown on undocumented or irregular migrants, arresting, detaining and deporting hundreds of thousands of migrant workers and their families. Tens of thousands of migrant workers were fired from their jobs without having been paid for months, after the government cut spending on contracts with construction and other companies affected by the financial crisis in the country (Amnesty International 2017). About nine million migrant workers, representing more than half the work force, occupying manual, clerical and service posts suffer abuses and exploitation, which in some cases led to conditions of forced labour (Amnesty International 2017).

In neighbouring Bahrain, the authorities tightened restrictions on the rights to freedom of expression and association and continued to curtail the right to peaceful assembly. They detained and charged several human rights defenders and banned others from travelling abroad, dissolved the main opposition group and stripped more than 80 people of their Bahraini citizenship, forcibly expelling four. Opposition leaders continued to be imprisoned as prisoners of conscience. There were new reports of torture and other ill-treatment and unfair trials. Migrant workers and lesbian, gay, bi-sexual, transgender and intersex (LGBTI) persons faced discrimination. Women continued to be discriminated against in law and practice, but Parliament agreed to abolish article 353 of the Penal Code, which allowed rapists to avoid a prison sentence if their victim consented to marry them.

The Kuwaiti authorities followed the trend, as they curtailed freedom of expression and prosecuted and imprisoned government critics under criminal defamation laws. Members of the Bidun, a group that has been denied access to Kuwaiti citizenship, continued to face discrimination. Migrant workers, including those in the domestic, construction and other sectors, continued to face exploitation and abuse under the official *kafala* sponsorship system, which ties workers to their employers and prevents them from changing jobs or leaving the country without their employer's permission. Women continued to face discrimination in law and in practice, although some progress was marked, as the Committee for Legislative and Legal Affairs approved a proposed amendment to the citizenship law that would allow Kuwaiti women to pass their nationality on to their children, regardless of the father's nationality. The amendment, however, has not yet been enacted.

A similar pattern is apparent in Qatar, where authorities have continued to prohibit the existence of 'independent' political parties, workers' unions and foreigners' associations. Furthermore, unauthorised public assemblies were prohibited and dispersed, while laws criminalising any form of expression deemed offensive to the Emir were further cemented (Freedom House 2017). Courts imposed death sentences throughout 2016 and early 2017. Personal status laws, similar to many countries in the Arab world and Gulf states, continued to discriminate against women in areas related to their rights within their marriages, divorces, familial and spousal inheritance, the custody of their children as well as in the areas of nationality and freedom of movement without the consent of their 'guardian' (Aldosari 2016).

However, there are some minor positive shifts in the areas of migrant workers. Law No 21 (adopted in 2015, and in effect since 2016) eliminated the sponsorship system and the two-year ban on migrant

workers returning to Qatar (HRW 2017). In addition, in August 2017, the Emir of Qatar ratified Law No 15 relating to domestic workers, which guarantees workers a maximum 10-hour work day, a weekly rest day, three weeks of annual leave, and an end-of-service payment of at least three weeks per year.

These contradictory dynamics also hold true in the United Arab Emirates (UAE). Political participation remained elitist, while the majority of the population is not allowed to vote, and political parties are banned. The UAE still has not ratified the International Covenant on Civil and Political Rights (ICCPR), and the rights to freedom of assembly and association have regularly been denied. Arbitrary arrests and pre-trial detentions are common practice, and there has been an increase in the number of people arrested for what many dubbed 'subtle' or 'harmless' criticism of the government on various social media outlets. Forced disappearances remain a common tool for undercover security officers to arrest government critics.

Since the Arab Spring, the UAE has launched a systematic crackdown on freedom of speech and association. A significant development in 2016 was the increase in the government's use of cyber-surveillance. A report by Citizen Lab (2016) revealed that spyware technology had been employed by subcontractors of the UAE government in Israel and the US to hack peaceful government critics and activists (Marczak & Scott 2016). The government recently updated the cyber crime laws of 2012 and anti-terrorism laws of 2014, which provide a vaguely-worded legal framework restricting internet and social media use. These laws have been employed by the authorities to arrest human rights defenders, journalists and activists, and to crack down on dissent, with a specific focus on political activists as well as members of non-violent Islamist groups. Media outlets such as *Al Araby*, *Middle East Eye* and the *Huffington Post* have been blocked as online content and news continue to be censored.

Despite the introduction in 2016 of new Labour Ministry decrees aimed at protecting migrant workers from abuse, workers remained vulnerable to exploitation by their employers because of the *kafala* sponsorship system. Domestic workers are particularly at risk of forced labour and human trafficking. Trade unions are banned. Domestic violence against women remains unaddressed as the law allows such practice and the country does not provide assistance to victims of abuse. LGBTI communities as well as people with disabilities are discriminated against by law and in practice. Nevertheless, the UAE has eight female ministers, one of the highest rates of ministerial representation in the Arab world. The UAE has made women's empowerment a key element of its national strategy, which should be achieved by 2021. The Minister of State for Tolerance, Shaikha Lubna Al Qasimi, is actively pursuing this initiative aimed at equality of education opportunities as a key in achieving women's economic empowerment.

Oman currently faces the same obstacles as other Gulf Co-operation Council (GCC) countries with regard to rights and freedoms. As such, freedom of expression is limited, and it is prohibited to criticise the Sultan. The Omani government allows the establishment of media outlets and private media publications. However, many of these companies practise self-censorship, or have to deal with the consequences (Freedom House 2016). Personal communications are monitored, and the number of

arrests, prosecutions and interrogation of citizens has over the years increased in an attempt to deter government critics.

In addition to discarding people's rights to freedom of expression, the Omani government has limited people's rights to assembly and association (Amnesty International 2017). The country has in the last year witnessed peaceful protests. However, these protests were not taken lightly, and the government's response was to arrest and prosecute several of these individuals who called for economic and political reform (Freedom House 2016). On 8 November 2016, Abdullah Habib, a 53 year-old writer, cinema critic and online activist, was sentenced to three years in prison and an additional fine of 2 000 Omani Rials for violating article 19 of the Information Technology Crimes Act, and using the internet to interfere with the country's stability. Habib used his Facebook page to express his opinions on the human rights situation in Oman (Afef Abrougui 2016).

In Oman, the *kafala* immigrant labour system, which hinders the movement of immigrants, remains in place, while inclusive labour laws remain absent, making it extremely difficult to protect migrant workers. It is estimated that more than 140 000 migrant domestic workers are subject to exploitation and abuse by their employers (Amnesty International 2017). Women in Oman are still not given their full legal rights despite the fact that under the law all citizens are to be regarded as equal, and gender-based discrimination is prohibited. The personal status law, based on the Shari'a, considers women not equal to men in matters of divorce, inheritance and child custody, and does not allow women to pass their nationality on to their children (HRW 2017). With regard to women's participation in political life, only 23 women ran for the 202 seats in the 11 municipalities, including Muscat and the Oman capital. Nevertheless, while only four women were elected during the elections of 2011, seven women were elected in 2016, marking modest progress towards engaging women in the public sphere.

To sum up, most countries in the GCC follow similar patterns in their laws and policies, restricting political rights, the rights to freedom of expression and assembly, labour rights and women's rights. Rising internal dissent, fear from disruptions in light of the Arab Spring and turmoil in the region may have encouraged authoritarian regimes to show signs of opening up with regard to gender issues and migrant workers, which is taking slightly different forms in different countries. But what about Northern Africa?

4 From war interludes to authoritarianism, to democratic quest in North Africa

The regimes in Egypt, Tunisia, Morocco and Algeria range from populist dictatorship to emerging democracy, but the same winds of change blow over all of them, with vague memories of the fading Arab Spring still in the air. The pressure from below is noticeable across all these countries, amid worries about economic recession and attempts to boost productivity in order to alleviate social pressure. In the meantime, wars and instability in neighbouring Libya, Sudan and Somalia add to the pressure in the region with divided governments, bomb attacks, killings, hostage-taking, ransom demands and child soldiers, in addition to various violations of rights.

Despite the apparent relative stagnancy of the Egyptian political scene over the past year, several major shifts took place on the economic, social and legal levels. During the last quarter of 2016, the Central Bank of Egypt (CBE) floated the currency, causing a sudden devaluation of at least 50 per cent. The CBE's decision came in conformity with conditions of the International Monetary Fund (IMF) to approve a 12 billion dollars loan to be given to the Egyptian government over three years (Farouk 2017). In return, the government has been forced to undertake a long-term strategy of liberalisation of the economy, the withdrawal of public services, and a sudden de-subsidisation of energy sources. On the legal level, the government introduced new investment laws aimed at facilitating the start of new businesses along with tax cuts for small businesses and new industrial projects. Simultaneously, though, the government added the value added tax law to increase sales tax from 10 to 13-14 per cent (Egypt Parliament Watch 2016). Although the sudden economic reforms affected the standard of living of millions of Egyptians, the Egyptian government managed to use this situation as a distraction to shift the attention from major human rights and constitutional violations to the focus on the national economic plan of 'rebuilding Egypt'.

In parallel, and in line with the state's behaviour in maintaining 'order' in society, President Abdel-Fattah El-Sisi has extended the historical state of 'emergency', thereby allowing the authorities to arrest and search the homes of suspects, as a tool for fighting terrorism in the country. On 25 April 2016, the Egyptian police arrested over 1 000 protesters who took to the streets in opposition to the handing over of Tiran and Sanafir Islands (*Mada Masr* 2016). The following months witnessed the release of nearly 60 per cent of the detainees. Nevertheless, the Egyptian government banned hundreds of websites and key newspapers such as *The Daily News Egypt*, *Al-Jazeera* and *Mada Masr* (Abouelenin 2017). In addition to this, the Egyptian government banned the website of Human Rights Watch.

In contrast, Tunisia showed signs of democratic consolidation and the expansion of human rights. In June 2016, Parliament adopted a change to the democratic regulation requiring political parties to have an equal number of alternating men and women on their list. An improvement has been observed in the Code of Criminal Procedure, as Parliament in February 2016 reduced the maximum period that a captive can be held without burden from six to four days, allowed prisoners to have direct access to a lawyer and their family, and permitted the presence of a lawyer during investigations. The reforms did not affect the authorities' influence to hinder without charge for up to 15 days those arrested for terrorism-related offences.

Following protest movements in 2016, police violence was reported, and several protesters, bloggers and journalists were charged for 'offending the army' (article 91 of the Criminal Code) and 'insulting a public official' (article 125). Security concerns have led to the construction of a security wall along Tunisia's border with Libya. This did not prevent Ansar al-Sharia, an Islamic state affiliate, from trying to take over the border town of Ben Guerdane in March 2016. At least 68 people died in clashes between the group and Tunisian security forces.

To understand the current situation in Morocco and the Moroccan-controlled Western Sahara, it is important to note several marking points in 2016. On the economic front, 2016 was marked by slow economic

growth (1,5 per cent). On a regional level, the North African state has made the decision to open up to its African neighbours, by re-joining the African Union (AU), which it had left when the AU accepted the Sahrawi Arab Democratic Republic as a member state 33 years ago (MWN 2017). This endeavour has also allowed the country to sign economic agreements with Nigeria and Ethiopia, which also brought opportunities for national economic growth. On the international level, the COP22 climate change conference, which took place in Marrakech, allowed the Paris Agreement to be signed. Moreover, to further efforts on the environmental question, in February 2016 Morocco banned the use of plastic bags and launched its first solar farm, also known as the Noor complex. Finally, as far as national political matters are concerned, the second parliamentary elections since the Arab Spring were won by the leading Islamist Justice and Development Party in October 2016 (HRW 2016).

The Moroccan state demonstrated a will to polish its image internationally and present itself as a leader in the region. However, it did not always manage to protect human rights. In the Rif, the fish vendor Mouhcine Fikri in Al Hoceima was crushed to death as he tried to recover his confiscated swordfish from a garbage truck, as fishing is not allowed at that time of the year (Project on Middle East Democracy 2017). Protests started in the Rif and spread nationwide. As a response, the Moroccan authorities initiated waves of arrests. Some demonstrators were allegedly tortured. Moreover, the right to legal representation has to be questioned (*Al-Jazeera* 2012).

Algeria also showed a willingness to change its position towards human rights. On 5 January 2016, the government presented draft constitutional reforms. The Prime Minister of Algeria stated that the Constitution adopted by Parliament had brought about institutional and democratic reforms in Algeria. However, regardless of the constitutional reform, the country continues to restrict human rights in significant ways. First, the Constitution states in article 49 that 'the right of peaceful assembly is guaranteed within the framework of the law, which sets forth how it is exercised'. In practice, the right of peaceful assembly is not applicable. For example, Algeria's Penal Code punishes the participation in unauthorised demonstrations in a public place. In February 2016, the National Union of Public Administration (SNAPAP) planned a conference on the socio-economic situation. As a result, police surrounded the place and arrested six leaders for hours, subsequently releasing them without charge. Second, freedom of speech is guaranteed in 'the information code' adopted in 2012, but in practice the authorities punished a number of Algerians for critical speeches. For example, on 9 August the Appeal Court imposed a two-year prison sentence on freelance journalist Mohamed Tamalt because he posted a video on Facebook with a poem criticising the President.

On a more positive note, women's rights are to a large extent protected in Algeria. The Algerian Constitution enshrines the principle of non-discrimination based on gender, and obliges the state to take positive action to guarantee equality of rights to men and women. However, the Family Code discriminates against women in matters of marriage, divorce, child custody, guardianship and inheritance. The Penal Code prohibits rape, but does not explicitly define it, allowing men who rape girls under the age of 18 to escape trial by marrying their victim.

While its neighbours are trying to consolidate stability by introducing minor reforms, Libya remains in a state of chaos. The year 2016 opened with ex-deputy Fayed al Sarraj being designated as the internationally-recognised Prime Minister. However, the UN's readiness to create a Government of National Accord (GNA) in Libya failed to include enough actors in the deal. The city of Tripoli remains split between two rival governments, namely, the UN and the Government of National Salvation, headed by Khalifa Ghweil, ex-member of the 2012 parliament who has wide support amongst Islamist militias. In the west, the Tobruk Parliament twice refused to vote for a motion of confidence to al-Sarraj's government (*Al-Jazeera* 2016). General Khalifa Haftar and his army also refused to co-operate with the GNA. Nevertheless, al-Sarraj was able to unite some tribes and militias to its cause. The GNA could recapture the coastal city of Sirte and defeat ISIS in the country in December (*The Guardian* 2016). The GNA was pledged loyalty by the Central Bank and the National Oil Corporation, two major economic institutions (AFP 2016).

In 2016, the human rights situation in the country was critical in several regards. Impunity prevails as the judicial institutions are down. According to the UN, 'both state and non-state are accused of very serious violations and abuses that may, in many cases, amount to war crimes' (UN News Centre 2016). An important report by the Office of the High Commissioner for Human Rights (OHCHR) was released in early 2016 pointing out unlawful killings, arbitrary detentions and abductions or torture and other ill-treatment. The report also refers to the situation of women in the country (OHCHR 2017). Journalists, activists and women activists, in particular, have been harassed, abused and even killed in an effort to silence their voices (HRW 2017).

The Geneva Conventions on International Humanitarian Law have also been violated, as multiple sources report violent attacks on civilians and civil infrastructure, by both state and non-state actors (UNSMIL 2017). The use of child soldiers by ISIS has also been documented (BBC 2016). As regards migrants, an important report of the OHCHR on the subject was published in December, unveiling the way in which armed groups and even state institutions arbitrarily detain migrants, torture them and inflict other ill-treatment on them (OHCHR 2016). Migrants are used as hostages for ransom and are exploited as forced labour. Women migrants are the most at risk, and numerous cases of rape and other sexual violence have been reported. International organisations have tried to draw the attention of the international community, particularly Europe, to the question, with few results (Amnesty International 2017).

In Sudan, the conflict in Darfur entered its thirteenth year in 2016 and conflict in Southern Kordofan and Blue Nile entered its fifth year (Amnesty International 2017). These both continue to cause deaths, poverty and violations of human rights. In March, the AU High-Level Implementation Panel (AUHIP) proposed an agreement in order to end these conflicts and ensure access to humanitarian aid for the Sudanese population.

Sudan's National Intelligence and Security Service (NISS) detained human rights defenders, students, lawyers and those perceived to be critical of the government. In April, at least 25 students in Khartoum (Darfur) were detained without charge or access to a lawyer by NISS agents, and some of them remained in prison for two months (Sudanese

Rights Group 2016). Government authorities continued to restrict freedom of expression by using force or other means of pressure or by threat. Twelve newspapers were banned in 2016 (Amnesty International 2017).

In Somalia, the situation remains far from being secure, and attacks by way of suicide bombings and explosive devices still have a crushing impact on the population. On 21 January 2016, Al-Shabab conducted an attack on a Mogadishu restaurant, resulting in more than 20 deaths. Similar deadly attacks every day killed many people, including women and children.

In the area of civil liberties, 2016 saw the arrest and assassination of many journalists. In Puntland, in June 2016, the Minister of information ordered the closure of Daljir's FM radio stations throughout the region, reportedly as a result of an interview with a critic of the government (HRW 2016). In the same month, Sagal Salad Osman was killed while working for the state-run media (HRW 2016). A month later, five members of the Centre for Research and Studies were arrested – without being given any precise reason – for violating legal and human rights. In September Abdiaziz Mohamed Ali, a journalist at Radio Shabelle, was killed by unknown gunmen (HRW 2016).

Harsh environmental conditions did not assist the country. According to UNHCR data, in November 2016, drought displaced more than 135 000 people inside Somalia (Dobbs and Navier 2017). The El Niño phenomenon had an additional severe impact on the already weak and vulnerable population, aggravating their situation. Despite efforts to enhance the economy of the country, due to the drought, the gross domestic product (GDP) growth in Somalia, estimated at 3,7% for 2016, is projected to decrease to about 2,5 per cent in 2017. However, construction, telecommunications and service sectors are projected to continue to register a decent growth, perhaps bringing hope for growth of employment in the country (Dobbs & Navier 2017).

During 2016, the main action taken in favour of human rights was the Action Plan for the Implementation of the Human Rights Roadmap (2015-2016) (Ministry of Women and Human Rights Development 2016). The aim was to give more rights to vulnerable groups, women and children regarding education, health, work and, more importantly, to give everyone access to water and food. Nevertheless, the implementation of these measures has not been sufficient as many violations of human rights were carried out during the entire 2016, as the phenomenon of bomb attacks remained stable and freedom was still an utopia. The elections that took place at the beginning of 2017 were the most expensive elections and extensive democratic exercise in Somalia for decades. Even if the new President, Mohamed Abdullahi Mohamed, showed an intention of building a long-lasting democratic state, he already started off on the wrong footing, as the election procedures were not democratic (Jason Burke 2017).

In the Comoros islands, a new President, Azali Assoumani, was elected on 10 April 2016 as well as a new parliament and governors for the islands in 2015. These elections were reported to have been successful and relatively free and fair according to the European Union (EU), the AU and the Arab League. A third round of voting was held in Anjouan, after some ballot box thefts were registered by their observer missions.

Although security forces are effectively controlled by civilian authorities, many human rights violations were registered in 2016. Long pre-trial detentions, poor prison conditions, child abuse, human trafficking and bribery were the most pervasive types of official corruption. Human rights violations range from ineffective workers' rights protection; freedom of the press and assembly; child marriage; LGBTI rights; as well as a lack of legal framework for refugees. Police impunity is especially noticable during misconduct during arrest procedures, by detainees being denied access to an attorney. Child abuse was also reported by non-governmental organisations (NGOs) and even reflected in official statistics. Many poor families would send their children to work for wealthy families or relatives in the hope that they could obtain a better education. The government and the UN Children's Fund have been supporting *Service d'Ecoute*, which provides counselling and support for abused children and their families on all three islands of the Comoros. Many cases of child abuse have so far been referred to the police in order to be investigated.

Interestingly enough, the local culture in Ngazidja and Mwali is traditionally matrilineal. Although the law provides for equality in inheritance and property rights, all inheritable property is in the legal possession of women. Therefore, in this case this local practice discriminates in favour of, rather than against, women. However, societal discrimination against women is much more visible in the rural areas, with fewer opportunities for education and paid employment. In rural areas, women have mostly been limited to farming and child-rearing duties.

The Djiboutian nation is 'African at heart, Arabist in culture, and universalist in thought', as President Guelleh stated in Schermerhorn in 2005 (USAID 2005). Djibouti is the only country in the world in which United States, French, German, Italian, Spanish and Japanese military forces are simultaneously stationed within its borders; China will also soon have a presence there. Moreover, it has welcomed economic and educational aid from GCC countries (USAID 2005).

Presidential elections took place in Djibouti on 8 April 2016, and President Ismail Omar Guelleh was re-elected for a fourth term, receiving 87 per cent of the vote in the first round. International observers from the AU, the Intergovernmental Authority on Development, the Organisation of Islamic Co-operation, and the Arab League have characterised the 2016 elections as 'peaceful', 'calm' and 'sufficiently free and transparent'. In fact, the government suppressed any kind of opposition, refusing to allow several opposition groups to form legally-recognised political parties; harassing, abusing, and detaining government critics; denying the population access to independent sources of information; and restricting freedom of speech and assembly.

According to the 2016 Djibouti Human Rights Report, other human rights problems persist, including the use of excessive force; torture; harsh prison conditions; arbitrary arrest and prolonged pre-trial detention; the denial of fair public trials; interference with privacy rights; restrictions on freedom of association and religion; a lack of protection of refugees; corruption; discrimination and violence against women; female genital mutilation/cutting; child abuse; trafficking in persons; discrimination against persons with disabilities; and discrimination against persons with

HIV/AIDS and the LGBTI community. The government restricted workers' rights and child labour (US Department of State 2016).

On the whole, Northern African countries have been under heavy economic and environmental pressure, notwithstanding wars and violent clashes in hot spots. Reconciliation efforts have been in vain and difficult, while external economic support and associated reforms produced tough conditions on parts of society. This has reinforced control and the violation of rights, while minor social initiatives related to vulnerable groups, especially women, were taken wherever they were deemed 'safe' for regimes in place.

5 Conclusion: 'Wisdom of the many'?

In the Arab world, wars and conflicts are impeding every initiative to reflect upon democratic progress or the protection of rights. Where peace prevails, economic difficulties are discouraging political reform and tolerance, and where petrodollars flow, regimes are using their wealth to buy support, reinforce allegiance, fund intervention in neighbouring countries, and catalyse fratricidal conflicts.

War-torn countries such as Syria, Iraq, Yemen, Libya, Sudan and Somalia have witnessed continuous violations of human rights. Chemical weapons, torture, harsh detention conditions, child soldiers and other abuses have been practised by all sides, with the international community turning a blind eye to violations committed by its allies. As long as conflict prevails in these countries, prospects will look grim. Geostrategic conflicts, land conquest and border control will remain their primary concern.

However, countries that managed to remain relatively peaceful in the region have shown patterns of modest reform despite challenges resulting from forced migration and a lack of economic resources. In many Arab countries some progress has indeed been noticed with regard to electoral participation, gender issues and migrant workers. These reforms remained limited and were associated with populist ambitions. However, they have been driven by bottom-up activism and civil society movements. These movements reflect the existence of grassroots initiatives channelling social demands and new voices being heard in the Arab world. Change can be reversible in the short term, but some trends will build up in the long term. Women are also starting to gain ground, and elections are proving to be a vector of change. Progress in democracy and human rights in the region may take time, with rises and falls and oscillating trends. However, one thing is certain: In countries where peace prevails, winds of change will, sooner or later, bring the 'wisdom of the many' mentioned by Gibran Khalil Gibran, spreading respect for dignity and rights in the Arab region.

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